

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MARIO CHRISTOPHER GRAY #332713,

Plaintiff,

v.

No.: 3:12-cv-087
(VARLAN/SHIRLEY)

TENNESSEE DEPT. OF CORRECTIONS, et al.,

Defendants.

MEMORANDUM

This is a *pro se* civil rights complaint under 42 U.S.C. § 1983. Plaintiff filed the complaint while in the custody of the Tennessee Department of Correction; he has since been released from custody. Because plaintiff did not pay the \$350.00 filing fee nor submit an application to proceed *in forma pauperis*, plaintiff was given thirty days to pay the filing fee or to submit the proper documents to proceed *in forma pauperis*. The plaintiff has failed to respond to the Court's Order within the time required. Accordingly, this action will be **DISMISSED WITH PREJUDICE** for failure to prosecute and to comply with the Orders of the Court. *See McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997).

The Court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE